

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Mag. No. 12-6690

**MAHMOUD RABBOH,
a/k/a Michael Rabboh**

Hon. Joseph A. Dickson

I, Jason Paniccia, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

JASON PANICCIA
Special Agent
Federal Bureau of Investigation

**Sworn to before me and subscribed in my presence,
September 17, 2012, at Newark, New Jersey**

HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

From in or about February 14, 2012 to in or about February 16, 2012, in Passaic County, in the District of New Jersey and elsewhere, defendant

**MAHMOUD RABBOH,
a/k/a Michael Rabboh**

did knowingly conspire to injure, oppress, threaten, and intimidate another person, that is, Victim 1, in the free exercise and enjoyment of his rights and privileges secured to him by the Constitution and laws of the United States, namely, to be free from unreasonable seizure by a law enforcement officer and to be free from having false evidence presented against Victim 1.

In violation of Title 18, United States Code, Section 241.

COUNT TWO

On or about February 16, 2012, in Passaic County, in the District of New Jersey and elsewhere, defendant

**MAHMOUD RABBOH,
a/k/a Michael Rabboh**

who was at the time a police officer with the Paterson Police Department, under color of law, did knowingly and willfully subject another person, that is, Victim 1, to the deprivation of rights, privileges and immunities secured and protected by the Constitution and the laws of the United States, namely, to be free from unreasonable seizure by a law enforcement officer and to be free from having false evidence presented against Victim 1.

In violation of Title 18, United States Code, Section 242 and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Jason Paniccia, am a Special Agent with the Federal Bureau of Investigation (the "FBI"). I am fully familiar with the facts set forth herein based on my conversations with other law enforcement officers and personnel, and my review of reports, recordings, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Furthermore, some of these conversations occurred in a foreign language, and your Affiant has reviewed and relied on the translations of these conversations. Because this Attachment B is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation.

1. At all times relevant to this complaint:

a. Defendant MAHMOUD RABBOH, a/k/a Michael Rabboh (hereinafter "defendant RABBOH"), was a police officer employed by the City of Paterson, in Paterson, New Jersey.

b. There was a co-conspirator ("CC-1") who was a resident of Bergen County, New Jersey and was part owner of a lounge located in Paterson, New Jersey (the "Lounge").

c. There was another co-conspirator ("CC-2") who was a resident of Passaic County, New Jersey and was a relative of CC-1.

d. There was another co-conspirator ("CC-3") who was a resident of Passaic County, New Jersey.

e. There was a confidential source for the FBI (the "CS") who worked at the Lounge.

f. Victim 1 was a resident of Passaic County, New Jersey.

2. According to the CS, on or about February 12, 2012, the CS was confronted by CC-1, CC-2 and others in the Lounge. According to the CS, CC-1, CC-2 and others accused the CS and Victim 1 of cooperating with the FBI. According to the CS, the CS denied that he was working with the FBI and stated that he did not have information about whether Victim 1 was working with the FBI. According to the CS, CC-1, CC-3 and the CS agreed that they would devise a plan to plant drugs on Victim 1 and falsely arrest Victim 1. The CS, CC-1, and CC-3 further agreed that they would contact defendant RABBOH to seek his assistance in falsely arresting Victim 1.

3. According to telephone records, on or about February 14, 2012, at approximately 1:54 p.m.,¹ defendant RABBOH received a call from CC-1. On or about the same date, at approximately 2:00 p.m., defendant RABBOH telephoned CC-1.

4. On or about February 14, 2012, at approximately 11:47 p.m., defendant RABBOH received a telephone call from the CS. On or about the same date, at approximately 11:50 p.m., defendant RABBOH received another telephone call from the CS for approximately 75 seconds. According to the CS, defendant RABBOH and the CS spoke during this telephone call and planned to meet in Paterson, New Jersey.

5. According to the CS, soon after defendant RABBOH and the CS spoke on the telephone, defendant RABBOH and the CS had a meeting in Paterson, New Jersey. According to the CS, during the meeting defendant RABBOH was advised by the CS (a) that CC-1 and the CS believed that Victim 1 was cooperating with the FBI; and (b) that CC-1 wanted to plant drugs on Victim 1 and to have Victim 1 arrested. Defendant RABBOH agreed to falsely arrest Victim 1 for possession of drugs.

6. According to the CS, on or about February 15, 2012, defendant RABBOH met with the CS, CC-1 and CC-2 at the Lounge. During the meeting, defendant RABBOH agreed with the CS, CC-1 and CC-2 that the CS would plant drugs on Victim 1. Defendant RABBOH further agreed to falsely arrest Victim 1 after the CS planted the drugs on Victim 1. According to the CS, defendant RABBOH suggested that the CS plant cocaine and percocet pills on Victim 1 because possession of those drugs carried a higher criminal penalty than possession of marijuana. According to the CS, defendant RABBOH warned the CS that defendant RABBOH might need to be rough with the CS so that it would not be apparent that the CS was involved in the scheme to falsely arrest Victim 1.

7. According to the CS, on or about the night of February 15, 2012, CC-1 gave the CS money to purchase drugs so that the CS could plant the drugs on Victim 1. The CS used the money to purchase three oxycodone pills, six percocet pills and a small bag of marijuana. According to the CS, the CS placed the drugs in a small, black fabric bag.

8. According to the CS, after the CS purchased the drugs, CC-1 drove the CS to Victim 1's apartment, in Paterson, New Jersey.

9. According to the CS, while the CS was in Victim 1's apartment, the CS placed the small black fabric bag that contained the drugs in a zipper pocket in Victim 1's jacket without Victim 1's knowledge. Thereafter, the CS and Victim 1 walked to a nearby gas station in Paterson, New Jersey. According to the CS, CC-1 called the CS while the CS was walking with Victim 1, and the CS confirmed with CC-1 that the CS and Victim 1 had left Victim 1's apartment.

¹ All times are in Eastern Standard Time.

10. According to telephone records, on or about February 16, 2012, at approximately 12:25 a.m., CC-1 called the CS. On or about the same date, at approximately 12:26 a.m., defendant RABBOH received a telephone call from CC-1. Defendant RABBOH received another call from CC-1 at approximately 12:27 a.m.

11. According to the CS and to Victim 1, on or about February 16, 2012, at approximately 12:30 a.m., defendant RABBOH, while wearing his police uniform and in a marked patrol car, conducted a stop of the CS and Victim 1 on the street, near a gas station. Defendant RABBOH asked the CS and Victim 1 to put their hands against the wall and to face the wall. A few seconds later, another Paterson police officer ("Officer 1") pulled up, in another marked police vehicle, to the area where defendant RABBOH stopped the CS and Victim 1.

12. According to the CS and to Victim 1, defendant RABBOH asked the CS and Victim 1 if they had any drugs on them. The CS and Victim 1 denied being in possession of any drugs. Defendant RABBOH then searched Victim 1 while Officer 1 searched the CS. Defendant RABBOH, however, was unable to locate any drugs on Victim 1. According to the CS, the CS then sent a text message to CC-1 advising CC-1 that the drugs were located in Victim 1's jacket. In this regard, telephone records confirm that on or about February 16, 2012, at approximately 12:35 a.m., the CS sent a text message to CC-1. On or about the same date, at approximately 12:36 a.m., defendant RABBOH received a call from CC-1 for approximately 23 seconds. According to the CS and to Victim 1, after defendant RABBOH ended his call with CC-1, defendant RABBOH searched Victim 1's jacket, but still could not find the drugs. According to the CS, the CS then gestured to RABBOH to indicate where in Victim 1's jacket the drugs were located. Defendant RABBOH then searched Victim 1's jacket again and found the small, black fabric bag with drugs.

13. According to the CS and to Victim 1, defendant RABBOH then arrested Victim 1 and released the CS. Defendant RABBOH then took Victim 1 to a jail in Passaic County, New Jersey.

14. According to Victim 1, Victim 1 (a) did not knowingly possess any drugs at the time defendant RABBOH stopped and searched Victim 1 on or about February 16, 2012; (b) was not aware that defendant RABBOH, CC-1, CC-2, CC-3 and the CS had planned to plant drugs on Victim 1; and (c) did not know or suspect that, on or about the night of February 16, 2012, the CS had planted drugs in Victim 1's jacket. Furthermore, according to Victim 1, when RABBOH found the drugs on Victim 1, RABBOH was advised by Victim 1 that Victim 1 did not know the drugs were in Victim 1's jacket.

15. On or about February 16, 2012, defendant RABBOH prepared a police report regarding the arrest of Victim 1. In the police report, defendant RABBOH stated that while he was on patrol in the area of south Paterson, he "was flagged down by a known male . . . from the south Paterson community [and] advised . . . that two Middle Eastern males walking north on Main Street were in possession of C.D.S." Defendant RABBOH further stated that the male who

flagged him down "wishes to remain anonymous and does not wish to be included in any of the reports." Defendant RABBOH stated that he found the two individuals described by the source; that defendant RABBOH advised the "individuals" about the anonymous tip; that the individuals denied possessing any CDS; and that the individuals "insisted to be searched" Defendant RABBOH reported that he located, in the front pocket of Victim 1's jacket, a small cloth bag containing six percocet pills, three oxycodone pills, and marijuana, but that he did not find any CDS on the CS.

16. Based on the police report prepared by defendant RABBOH, Victim 1 was charged, in Passaic County Superior Court, with (a) possession of legend drugs; (b) possession of prescription drugs with intent to distribute; (c) possession of CDS within 1,000 feet of a school; (d) possession of CDS within 500 feet of a library; and (e) possession of marijuana.

17. On or about March 1, 2012, defendant RABBOH met with the CS in Passaic County, New Jersey. The meeting was audio and video recorded. During the meeting, the CS asked defendant RABBOH "did you ever, I mean say anything to [another individual]? . . . you know about we set him up, we set him up . . . I mean that you told [another individual] that we set him up." The CS was referring to the planting of drugs on Victim 1 and Victim 1's arrest. In response, defendant RABBOH stated "no." Defendant RABBOH further explained "but because in the report I have to write who and that people told me . . . people told me about the drugs but I did not tell him who it was." RABBOH was referring to the police report that he prepared regarding the arrest of Victim 1 where defendant RABBOH did not indicate the specific identity of his purported source of information leading to Victim 1's arrest.